

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2018-9-E**

IN RE: South Carolina Electric & Gas Company's )  
Integrated Resource Plan (IRP) )  
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**RESPONSE  
TO THE COMPANY'S  
OBJECTIONS/MOTION FOR AN  
ORDER OF PROTECTION**

**INTRODUCTION**

South Carolina Electric & Gas Company, ("Company") filed its Objections/Motion for an Order of Protection with this Commission on May 10, 2018. South Carolina Solar Business Alliance, Inc.'s ("SCSBA") Response follows.

**RESPONSE TO OBJECTIONS/MOTION**

1. The Company's request for an Order of Protection, as to discovery from SCSBA, is improper. The Company argues that SCSBA should not be allowed to conduct discovery of SCE&G, in this Docket. However, discovery in an IRP Proceeding, is appropriate.

Order No. 2012-95, Declares IRP Filing to be a "Proceeding".

2. This Commission's Order No. 2012-95, dated February 1, 2012, states, "I also move that **we declare that the Commission's Integrated resource planning process will constitute a proceeding** under Section 103-804(Q) of our regulations, into which Intervention is permitted." (Emphasis not in original).

R. 103-833(A) - Discovery Allowed in a "Proceeding".

3. R. 103-833(A) states, "**Any material relevant to the subject matter involved in the pending proceeding may be discovered** unless the material is privileged or is hearing preparation working papers prepared for the pending proceeding." (Emphasis not in original).

4. Therefore, this Commission has (i) declared an IRP filing to be a, "Proceeding" and (ii) the Commission Rules allows discovery in any "Proceeding".

### SCSBA'S DISCOVERY

5. SCSBA served First Set of Interrogatories, First Requests for Production and First Requests for Admission<sup>1</sup> on the Company.

6. SCSBA stands by its discovery as being appropriate.

7. Specifically, SCSBA's discovery as propounded is relevant to (i) whether and to what extent the Company has submitted a program for meeting the requirements of its demand and energy forecast in an "economic and reliable manner." (ii) whether and to what extent the Company has submitted a program for meeting the requirements of its demand and energy forecast which adequately evaluates and includes "both demand-side and supply side options." (iii) the question of whether or not the options considered by the Company, are based upon a "cost-benefit analysis" which adequately evaluated the options that were "considered." and (iv) the question of whether or not the options considered by the Company are based upon a "cost-benefit analysis" which adequately evaluated the options that were "not selected."

8. The Company's Integrated Resource Plan and SCSBA's participation in this proceeding, are both "matters relating to Docket No. 2018-2-E." This follows directly from the fact that the Company's Integrated Resource Plan has a substantial, direct impact on its fuel costs, as well as on its avoided costs and QF Rates and the Company relied heavily on its IRP in its recent fuel case.

9. "It is not ground for objection that the information sought will be inadmissible at the trial **if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.**" Rule 26(b)(1) of the South Carolina Rules of Civil Procedure (Emphasis not in original).

10. It is unknown as of this writing, whether the Commission will schedule a Hearing in this Docket.

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<sup>1</sup> The Company objects to Requests for Admission "8", "10", "11", "12" and "13" and in the spirit of cooperation, counsel for SCSBA sent electronic mail to the Company's counsel on even date, withdrawing those Requests.

**CONCLUSION**

Based on the foregoing, this Commission should deny the Company's Objections and Motion for an Order of Protection, because an IRP filing is a "Proceeding" and discovery is always appropriate in a "Proceeding"; Further, the latitude on discovery is expansive, including if information sought appears reasonably calculated to lead to the discovery of admissible evidence;

AND GRANT SUCH OTHER AND FURTHER RELIEF AS THIS COMMISSION  
DEEMS JUST AND PROPER.

Respectfully Submitted,

/s/

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